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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/101,846	07/17/1998	LOTHAR FINZEL	P-981197	1129

7590

09/26/2003

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Appli cation No.

09/101,846

Applicant(s)

FINZEL ET AL.

Examin er

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-47, 49, 50, 52, 53, 56-71, 74, 76 and 78-90 is/are pending in the application.
- 4a) Of the above claim(s) 2-47, 49, 50, 52, 53 and 56-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74, 76 and 78-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The Applicants' arguments with respect to Claims 74, 76, 78-90 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 74, 76, 78-90 are rejected as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 74, 76, 78-81, 83-86, 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finzel (UK Patent Application No. GB2277812A), of record, in view of Szegda (U.S. Patent No. 5283853, or Szegda '853) and Theys et al. (WIPO Publication WO 90/08336), of record.

With regard to Claims 74, 76, 78, 80-81, 84-86, and 89-90, Finzel discloses an optical fiber transmission system comprising a cable closure with a cable body 1, cable lead-in spigot pipes 5, a sealed closure cover 4, waveguide receiving pipes 25 and cables 7. Waveguide receiving pipes may be sealed in spigots 5, as by a busing seal (See Finzel, page 4, lines 10-13). One would expect such a pipe to be tightly fitted to seal properly. Although Finzel does not disclose how pipe 25 is secured to pipe section 5, adhesive

bonding would have been obvious as a conventional securing means that would assure the desired relationship at all times during shipping and use, regardless of tolerance of manufacture. Additionally, although Finzel does not disclose a waveguide tray or ledges for supporting waveguide trays, waveguide trays, such as splicing trays, are conventional in cable connections and storage systems of coiled cables and therefore would have been obvious. In particular, Theys et al. teaches the use of such splicing trays (See for example 10 in Figure 1) which are connected to the splice case on a ledge-like projection (See for example 7 in Figure 1). Additionally, Szegda '853 teaches an end connector for connecting an optical fiber cable to a port associated to a piece of equipment (See for example Figure 2) wherein the waveguide receiving pipes (See 14 in Figure 2) are connected to the lead-in spigots (See 10 in Figure 2) via sealing connections comprising a sleeve having an interior surface (See 18 in Figure 2), the sealing connections fittingly contacting the respective outer surfaces of the lead-in spigots and the respective outer surfaces of the waveguide-receiving pipes. Also, the lead-in spigots and the waveguide receiving pipes are disclosed as being in contact (See 10, 14 in Figure 2), and the waveguide receiving pipes being disposed exteriorly of the closure body interior space. Finally, Theys et al. further teaches a splice case for an optical fiber cable (See Figures 1 and 11) wherein the outer surfaces of the cable lead-in spigots (See 31 in Figure 11) and the waveguide-receiving pipes (See 32 in Figure 11), which terminate at the sealing connection and are disposed exteriorly of the closure body interior space (See Figure 11), are in fitting contact with the interior surface of the sealing sleeve (See 30 in Figure 11; Pages 14-15). Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to connect the waveguide receiving pipes to the lead-in spigots via sealing connections, as taught by Szegda '853 and Theys et al., in the optical fiber transmission system as disclosed by Finzel. One would have been motivated to do this to provide additional mechanical strength and sealing at the connection, thus preventing breakage (due to for example rotational or longitudinal forces) or injection of debris into the transmission system at the connection.

With regard to Claims 79, 83, 88, Finzel in view of Szegda '853 and Theys et al. discloses the invention as set forth above, except for the closure body comprising a base section having a dome shape (in the instant case, Finzel discloses a closure body comprising a base section having a rectangular shape (See 4 in Figure 1)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the closure body comprising a base section having a dome shape, since it has been held that a mere change in shape of an element is generally recognized as being within the level of ordinary skill in art when the change in shape is not significant to the function of the combination. Furthermore, Theys et al. teaches a splice case for an optical fiber cable wherein the closure body comprises a base section having a dome shape (See 22 of Figure 11). One would have been motivated to select a dome shape for the purpose of reducing or optimizing the volume of space the optical transmission system requires for assembly and operation. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

5. Claims 82 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finzel in view of Szegda '853 and Theys et al. as applied to Claims 81 and 86 above, and further in view of Grenier (U.S. Patent No. 5695224), of record.

Art Unit: 2872

If a reference is considered required to demonstrate the conventionality and obviousness of welding, soldering, and/or adhesive bonding in pipe connections, then Grenier clearly provides such teachings (See for example col. 1, lines 10-15 of Grenier).

Conclusion

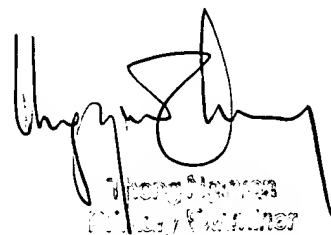
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 703-305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Arnel C. Lavarias
9/9/03



Drew Dunn
Supervisor